In the High Court of Punjab and Haryana at Chandigarh

RSA No.3305 of 2002 (O&M)
Date of decision:16.08.2007.

Bihari and others .... Appellants.

Versus

Rohtash and others .... Respondents.

CORAM
HON'BLE MR. JUSTICE PERMOD KOHLI

Present: Mr.Parveen Hans, Advocate, for the appellants.

Mr.Mani Ram Verma, Advocate, for the respondents.

PERMOD KOHLI, J. (ORAL):

This Regular Second Appeal has been directed against the concurrent findings of fact recorded by the learned Courts below. Respondent-plaintiffs filed a suit for permanent prohibitory injunction against the present appellants seeking a restraint order from interfering in their possession and encroaching the land in dispute. The appellant-defendants claimed that they are in possession of 400 sq. yards of land where a Madhi of Baba Bhaiya is existing. It is also claimed that they have

deputed Pujari and the entire village worships Baba Bhaiya. During the trial, a Local Commissioner was appointed who visited the site and reported that Madhi of Baba Bhaiya is confined only in the area of 2X2 ft. It has also come on the record that the construction was raised during the pendency of the suit. The learned trial Court though observed that there is no specific entries in the revenue record regarding the possession of a particular person, but there are entries showing the land reserved for Harijans. The respondent-plaintiffs are Harijans by caste, whereas the appellant-defendants are Brahmins. On the basis of this fact, the learned trial Court decreed the suit. The learned Lower Appellate Court also dismissed the appeal concurring with the findings of fact recorded by the learned trial Court.

I have heard the learned counsel for the parties at length and perused the record of the case.

Learned counsel for the appellants has tried to canvas by referring the evidence to show that the findings recorded by the learned Courts below are not correct. All the question raised relate to appreciation of evidence no substantial question of law is involved in this appeal. I find no merit in this appeal and the same is hereby dismissed with no order as to costs.

(PERMOD KOHLI)
JUDGE

August 16, 2007.
BLS